

REMARKS

Claims 2, 4-7, 9, 13-17 and 19-21 are pending in this application. Claims 1, 3, 8, 10-12 and 18 have been withdrawn. The Applicants would like to thank the Examiner for indicating allowable subject matter associated with claims 9, 13-16, 17 and 19. By this Response, the Applicants have amended claim 2. All amendments are fully supported by the specification as originally filed. The Applicants respectfully traverse the Examiner's rejections of claims 2, 4-7, 9, 13-17, and 19-21. Reconsideration of this application for allowance of all pending claims is hereby respectfully requested in view of the following remarks.

Objection for Informality

Claims 2 is objected to because the Examiner pointed out that "In claim 1, line 3, PID and TS are not defined in the previous lines." By this Response, the Applicants have amended claim 2 by introducing definitions for PID and TS. The Applicants believe that the objection of informality has been overcome and respectfully request that the objection be withdrawn.

Rejections Under 35 U.S.C. § 112

Claims 2, 7, 17, 20 and 21 have been rejected under 35 U.S.C. § 112 second paragraph for failing to particularly point out and distinctly claim the subject matter which the applicant regards as their invention. Specifically, the Examiner stated that "the terms of 'necessary' and 'unnecessary' are kind of vague and indefinite since it is unclear as to under what circumstance or degree it is to be considered as 'necessary' and 'unnecessary'." The Applicants respectfully traverse the rejection.

The Applicants direct the Examiner's attention to the last paragraph on page 6 of the specification, where the term "necessary packets" is unambiguously defined as "packets required by the user". This also makes unmistakably clear as to under what circumstances, a packet is

considered “necessary”, i.e., when it is required by a user. On the other hand, word “unnecessary” means “not necessary”. Therefore, an unnecessary packet is one that is not required by the user. The Applicants respectfully submit that the claim terms “necessary packets” and “unnecessary packets” are well defined and definite terms, as recited. That is, claims containing these terms are not indefinite. Therefore, the Applicants respectfully request that rejection under 35 U.S.C. § 112 second paragraph be withdrawn, and submit that claims 2, 7, 17, 20 and 21 are now in condition for allowance.

Rejections Under 35 U.S.C. § 103

Claims 2, 4-7, 20 and 21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,353,613 (Kubota et al.). The Applicants respectfully traverse the rejections.

Claims 2, 7, 20, and 21 are independent claims and they recite the feature of “overwriting packets” corresponding to necessary-packet areas in a first TS to unnecessary-packet areas in a second TS. The Applicants respectfully submit that Kubota et al. at a minimum do not teach this feature. Similar to Magee et al. (prior art reference cited previously for which a similar argument as to feature “overwriting” was made and accepted by PTO), Kubota et al. teach a method and system to multiplex a transport stream. As correctly pointed out by the Examiner, Kubota et al. do not disclose the limitation of “overwriting”. However, the Examiner asserted that Kubota et al. “discloses the method of avoiding unnecessary information and avoiding overlap of the PID values and deleting unnecessary parts. That is, some of the unnecessary parts are deleted and/or overwritten to combine the PSI and SI into a single.” Applicants respectfully point out that the ordinary meaning of the term “overwrite” is “to destroy or lose old data by recording new data over it” or “record new data on top of already stored data, thus destroying the old data” (See

<http://www.thefreedictionary.com/overwrite>). Notably, the place holding the old data is not eliminated but rather filled with new data. In contrast, Kubota et al. simply “remove”, without “overwriting”, according to the definition above as commonly understood by persons skilled in the art. Specifically, Kubota et al. describe deleting, which means “remove without overwriting”, some unnecessary information to reduce the amount of data transmitted (see Col.14:18-20). Thus, the Examiner can not equate “remove” to “overwriting”. Although Kubota et al. also teach modifying PID values to avoid overlapping of PID values in a combined TS, this modification is certainly not overwriting unnecessary packets in one TS using necessary packet from a different TS, as recited in claims 2, 7, 20, and 21. That is, Kubota et al. do not teach or suggest overwriting unnecessary packets in one TS using necessary packets from another TS.

When a §103 rejection is made based on a single piece of prior art reference, each and every limitation must be either disclosed or suggested by the cited prior art in order to establish a prima facie case of obviousness (see M.P.E.P. §2143.03). The Applicants respectfully submit that since Kubota et al. fail to disclose or suggest the limitation relating to the overwriting function, a prima facie case of obviousness based on Kubota et al. alone can not be established. Therefore, the Applicants respectfully request that rejections of claims 2, 7, 20, and 21 under 35 U.S.C. §103(e) be withdrawn.

Claims 4-5, 16, and 19 depend from claim 2 and are thus patentable for at least the same reasons as stated above with respect to claim 2 and for the additional features recited therein. Therefore, the Applicants respectfully request that rejections of claims 4-5, 16, and 19 under 35 U.S.C. § 103(e) be withdrawn.

Claims 9 and 13 depend from claim 7 and are thus patentable for at least the same reasons as stated above with respect to claim 7 and for the additional features recited therein.

Therefore, the Applicants respectfully request that rejections of claims 9 and 13 under 35 U.S.C. § 103(e) be withdrawn.

Allowable Subject Matter

Although the Examiner indicated that claims 9, 13-16, 17, and 19 contain allowable subject matter, since the independent claims 2 and 7 from which claims 9, 13-16, 17, and 19 depend are patentable for the reasons stated above, claims 9, 13-16, 17, and 19 are thus also patentable, in their current form, for at least the same reasons as stated above with respect to claim 7 and for the additional features recited therein. Therefore, the Applicants earnestly request that the Examiner allow claims 9, 13-16, 17, and 19 in their current form.

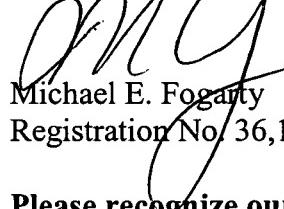
Conclusion

The Applicants have addressed all rejections/objection raised by the Examiner. Accordingly, it is believed that all pending claims are now in condition for allowance. Applicants therefore respectfully request an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicants' representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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